

***Superseded 5/12/2015***

**78A-6-1403 Petition to restore parental rights -- Duties of the division.**

- (1) A child, or an authorized representative acting on behalf of a child, may file a petition to restore parental rights if:
  - (a) the child is 12 years of age or older or as provided in Subsection (2)(b);
  - (b) 24 months have passed since the court ordered termination of the parent-child legal relationship; and
  - (c) the child:
    - (i) has not been adopted and is not in an adoptive placement, or is unlikely to be adopted before the child is 18 years of age; or
    - (ii) was previously adopted following a termination of a parent-child legal relationship, but the adoption failed and the child was returned to the custody of the division.
- (2)
  - (a) A child younger than 12 years of age may not petition for restoration of parental rights except as provided in Subsection (2)(b).
  - (b) A child 12 years of age or older, or the child's authorized representative, may petition for restoration of parental rights, and if the child has a sibling who is younger than 12 years of age, the child may include the sibling in the petition.
  - (c) The court may grant a petition for restoration of parental rights for a child younger than 12 years of age as described in Subsection 78A-6-1404(2).
- (3) The petition described in Subsection (1) shall be:
  - (a) filed in the juvenile court that previously terminated the parent-child relationship; and
  - (b) served on the division.
- (4) The division shall notify and inform a child who qualifies for restoration of parental rights under Subsections (1)(a) through (c) that the child is eligible to petition for restoration under this part.
- (5) Upon the receipt of a petition to restore parental rights, the division shall:
  - (a) make a diligent effort to locate the former parent whose rights may be restored under this part; and
  - (b) if the former parent is found, as described in Subsection (5)(a), notify the former parent of:
    - (i) the legal effects of restoration; and
    - (ii) the time and date of the hearing on the petition.
- (6) The court shall set a hearing on the petition at least 30 days, but no more than 60 days, after the day on which the petition is filed with the court.
- (7) Before the hearing described in Subsection (6), the division may submit a confidential report to the court that includes the following information:
  - (a) material changes in circumstances since the termination of parental rights;
  - (b) a summary of the reasons why parental rights were terminated;
  - (c) the date on which parental rights were terminated;
  - (d) the willingness of the former parent to resume contact with the child and have parental rights restored;
  - (e) the ability of the former parent to be involved in the life of the child and accept physical custody of, and responsibility for, the child; and
  - (f) any other information the division reasonably considers appropriate and determinative.